

BINGER HERMANN'S TRIALS OPENED

Charged With Conspiracy to Defraud the Government of Part of the Public Domain.

FRANCIS HENEY PROSECUTOR

Defense Represented by Col. A. S. Worthington Who Denied All the Charges in the Indictment.

Portland, Or., Jan. 12.—With all preliminaries brushed aside the trial of Binger Hermann, former congressman, charged in the federal court here with conspiracy to defraud the government of part of the public domain, began in earnest today.

The "Hear, ye; hear, ye!" of the bailiff had scarcely died away when Francis J. Heney arose and began the delivery of his opening address.

The famous prosecutor leaned close to the line throughout his brief statement of the government's case. He spoke calmly, only now and then waxing eloquent or indulging in his famed sarcasm.

HENEY'S STATEMENT.

Francis J. Heney, in opening the prosecution of Binger Hermann today, spoke in part as follows:

"Gentlemen of the jury: We expect to prove that in 1901 it was known in Oregon that timber speculators were taking advantage of the creation of forest reserves by securing advance information as to what land would be included in the reserves, and by thereupon procuring the necessary money to make applications for the school lands lying within the reserve and convey the aforesaid school lands to the speculators for small sums.

As early as July, 1901, the time at which Mr. Binger Hermann was appointed commissioner of the general land office at Washington, Oregon newspapers published sensational articles explaining these frauds. In September of 1901 the commissioner of the general land office called attention to these frauds in his report on the general land office.

"In September, 1901, Binger Hermann was in Portland, Or., and there entered into a conspiracy with Franklin Mays, W. N. Jones and others to assist them in the creation of a forest reserve in southeastern Oregon. Mays and Hermann met in the office of Henry Melndrum, United States surveyor general, and discussed the proposition in the presence of Melndrum.

"Thereafter Hermann returned to Washington and Mays and Jones, in accordance with the suggestions made by Hermann, procured petitions for the creation of the forest reserve.

"In March, 1902, Hermann officially directed Ormsby, superintendent of forest reserves in Oregon to investigate and make reports upon the matter, and send him the aforesaid petitions. In the meantime Mays and Jones had continued to secure school lands within the area of the proposed reserve, Mays filing and Ormsby approving the same, and the boundaries of the desired reserve.

"Ormsby recommended the creation of a reserve to include 49,680 acres of school lands which had been secured by Mays and Jones. These lands were all secured by employing men at from 50 cents to \$1 a piece to sign applications for state school lands in blank.

"Each applicant for school lands was authorized to purchase 200 acres and he was only required to pay to the state 25 cents per acre as the first payment. Consequently Mays and Jones were only required to pay the state \$12,500 to secure control of practically 50,000 acres of the best timber lands in the United States. If the owners of the school lands wanted to sell them for exchange purposes they were to be paid at that time \$6 per acre in the open market. Mays and Jones stood to make a net profit of at least \$4 per acre. They had calculated upon securing all of the school lands within a proposed reserve amounting to about 150,000 acres and of thus making a net profit of about \$600,000.

"Hermann aided and abetted in every way possible. He was at that time a standard receptive candidate for the position of United States senator from Oregon and Mays was a state senator, and Jones a member of the assembly. Hermann would have already been tried at the same time with Mays and Jones but for the fact that he had previously exacted a promise that he would not be tried in Oregon until he was first tried in Washington, D. C., under another indictment, in April, 1906, when the Sney home earthquake called Mr. Heney home."

SENTENCED TO LIVE TO HEAR BABY'S CRIES

Belleville, Ill., Jan. 12.—Judge G. A. Crow of the circuit court of St. Clair county, today sentenced James Pullman, murderer of his 1-month-old child, to live rather than die, that he might suffer a lifetime, haunted by the wails of the dying infant.

"I will not sentence Pullman to the gallows," said the judge, "but to the penitentiary for life. It will be punishment as terrible as death for him to hear daily the cries of his murdered child. His crime was the most atrocious life out of the child with his heel." He killed the child after he and his mother had failed to find a home for it.

GRAND JURY GOING AFTER "MAN HIGHER UP"

New York, Jan. 12.—With the swearing in today of a new federal jury came the prospect of further developments, possibly of a sensational nature in connection with the sugar underweighing frauds. Possibility of a hanging was heightened by the fact that the annual meeting of the stockholders of the American Sugar Refining company was held today.

A vote was taken on the proposition to increase the number of directors from nine to 11. One director has already

ready resigned and another has declined reelection.

CONFERRING TODAY ON SWITCHMEN'S STRIKE

Washington, Jan. 12.—A strike of the switchmen employed by the western railroads operating out of Chicago probably is dependent on a conference begun today in the offices of the interstate commerce commission. The negotiators began today an effort to bring the parties to the controversy together. Behind closed doors they heard a statement of the switchmen's representatives. Subsequently the general managers committee was called upon for its side of the controversy. The switchmen demand a horizontal increase of wages and some changes in the conditions and hours of labor. Chairman Knapp announced that pending a conclusion of the mediators' efforts no public statement concerning the proceedings would be made.

IMPLEMENT MEN'S CONVENTION.

Kansas City, Jan. 12.—Joseph G. Baker, president of the National Federation, was the chief speaker here today at the opening of the second day's session of the convention of the Western Implement & Vehicle Dealers' association. Exhibitors at the convention report unusually heavy buying orders.

The conference committee and officials of the National Federation met today with a committee representing the Carriage Manufacturers' association concerning an official vehicle warranty. The convention will adjourn tomorrow with the election of officers.

GOV. HARMON WOULD INVESTIGATE HIGH PRICES

Columbus, Ohio, Jan. 12.—Gov. Harmon sent to the legislature when it convened today his message concerning the high prices of foodstuffs and the advisability of a legislative investigation thereof. He adds interest to the message by suggesting that laws enacted by congress may be responsible in a measure for the trouble and asks for an investigation on this point.

LONDON BULLION WITHDRAWALS

London, Jan. 12.—Bullion amounting to £100,000 was taken into the Bank of England today and £15,000 was withdrawn for shipment to the continent and £50,000 was taken for shipment to South America.

INCOME TO STATES FROM THE FORESTS

Oregon and Washington to Divide One Million Dollars This Year and More Promised for Next.

(Special to The News.)

Portland, Or., Jan. 12.—Gifford Pinchot's policy in establishing forest reserves in the west has been grilled by the western states themselves and the national forests have been declared to be bars to progress because they held large tracts of timber in a virgin state, denying to all the opportunity of development. But there is another side to the picture that is not generally understood. This is the revenue accruing to the state where the timber is grown when sales of reserve timber are made to lumbermen.

For example more than \$1,000,000 will be divided between Oregon and Washington this year and will be used in building roads and schools throughout the two states as the result of sales of timber on government reserves. The forestry law provides that 25 per cent of the stumpage revenue shall go to the state where the forest is cut.

Last year sales from forest reserves in the two states aggregated 130,000,000 feet and the revenue to the two states was \$3,000,000. Sales of reserve timber are constantly on the increase and this year proposals have been made for the purchase of about 550,000,000 feet. The average price for government stumpage this year is about \$2 per thousand. Some cutting will be for more and some less but all will average about this figure. This means the usual 25 per cent that comes to the state will bring in a revenue of not less than \$1,250,000 from sales already in sight. The total may be increased largely before the year is over.

With the coming years the timber sales from government reserves will largely increase, it is expected, and the consequent funds for state roads and schools will be much larger.

These sales are of direct benefit to all the people of the states where the reserves lie, it cannot be said the location of large tracts of timber in the hands of the government are withheld from private ownership are without benefit to the state.

BAD BLOOD BETWEEN SLAVS AND GREEKS

Hammond, Ind., Jan. 12.—Bad blood between Slav and Greek residents in Hammond and a stolen rioter caused a riot yesterday. A score were injured, many requiring medical attention.

Members of the two nationalities fought like mad in their boarding house. It was the last day of the Greek New Year's celebration. The Greeks were becoming boisterous, and when accused by a Russian of stealing a rooster, they replied by hurling beer bottles at the Greeks. The Russians were drawn and used. The ringleaders, who were arrested, fought the police and had to be roped before they could be taken to the station. The house was wrecked in the riot.

ILLINOIS MILITIA PROTECTING NEGROES

Vienna, Ill., Jan. 12.—Three companies of the Illinois militia arrived here this morning to protect the three negroes who are in jail accused of killing Allen Clark. Maj. Baumgartner of the Fifth Infantry, is in charge.

Everything is quiet and no trouble is feared from a mob. Sheriff John B. Mathis said this morning that he probably would ask that some of the troops be sent home.

The negroes, Hosea and Harry Taborn and Alexander Jenks, were badly frightened last night when they heard a mob from Harrisburg was coming after them. Hosea Taborn, who was not arrested until Sunday tramped barefoot through the snow and both feet were badly frozen.

State's Atty. Sharrand said Hosea Taborn confessed to the killing and implicated the other negroes.

KNOX'S DEAL FOR ARBITRAL COURT

Several European Powers Said to Be Considering the Proposition Very Favorably.

IT WOULD MAKE FOR PEACE.

In No Way Intended to Supplant International Prize Court Established By Second Hague Conference.

(Special to The News.)

Washington, Jan. 12.—State department officials have received with much satisfaction during the last few days tidings leading them to believe that several of the principal powers of Europe are considering favorably Secy. Knox's proposal to the nations looking to the establishment of a permanent court of international arbitration. While no formal or definite answers have been received to the joint note addressed to the powers, diplomats here and abroad recognize the great importance of the proposition from an international peace standpoint.

In discussing the scope and jurisdiction of the proposed court a state department official familiar with the plan, explained today that it was not the intention directly to supplant the international prize court established as a result of the second Hague conference; nevertheless he made it clear that had the court been thoroughly satisfactory in its operation a new court would not have been suggested.

The so called permanent court as at present constituted is merely a panel of judges and arbitrators, held to have shown that the selection of these judges is a difficult task. Besides, that the tribunal when constituted decides only the particular case submitted to it and with that case submitted to it and with that decision passes out of existence; a new case requires a new tribunal. This temporary character of the court results in a lack of continuity in policy. Because of the delays incidental to the erection, only six cases have been submitted up to the present time for its adjudication.

PRESENT PRIZE COURT.

The present prize court is of limited jurisdiction, and its very existence presupposes the existence of war, for it only in time of war that neutral property may be captured and confiscated. The acceptance by the nations of Secy. Knox's proposal would, it is urged, endow the world with its first truly permanent international prize court. He considers its complete solution of the controversies arising in the circumstances either of peace or of war.

Secy. Knox's proposal is simply to enlarge the scope and character of the present court by changing its jurisdiction to include all cases of international law, and to invest it with the jurisdiction and functions of a court of arbitration, thus securing the adoption of the court by the nations of the world by single negotiation.

Although the court would have no power to enforce its decision, experience is cited as showing that international law is not a dead letter, and that ways have been accepted by the parties and it is argued that a permanent court of arbitration would surely have the support of the public opinion of the world. The court would be a permanent body of arbitrators, and its decisions would be final and binding on the parties to the dispute.

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EARTH TREMORS SHAKE ELGINORE

Chimneys Fall and General Damage Is Done in Town of Sevier County.

INHABITANTS SEEK SAFETY.

Fourteen Earthquakes in Two Days—Disturbances Confined to Limited District.

(Special to The News.)

Elginore, Jan. 12.—Fourteen earthquake shocks have been felt here in the last two days, two on Tuesday night being so severe that it shook down chimneys, destroyed merchandise on the store shelves and raised such general havoc that today a number of inhabitants are leaving for more solid ground. The quakes Tuesday night occurred at 8 and 8:15 o'clock respectively, both of them of lengthy duration and intense.

Six distinct earthquake shocks occurred Monday, the first coming shortly after 6 o'clock in the morning and the second half an hour later. School was dismissed. A recess was taken at the school at 11:45 because of a severe shock and was finally dismissed for the day at 1:25 o'clock in the afternoon because of another severe shaking. Other heavy tremors came at 2:30 and 3 o'clock.

These shocks were not felt, with the exception of the first at Richfield and Marysville, but a short distance away. It is a puzzle to all why the quakes are confined so distinctly to this one point. The shakes caused a general feeling of uneasiness and much anxiety in regard to the future. In the evening a relief party was organized. Two well-equipped and experienced men. They were compelled to return because of the terrible weather conditions. They could make no headway on account of the drifting snow and the cold was intense. They reached Tropic at 3 a. m. utterly exhausted and badly frozen.

Another relief party was hastily organized, three smart men who were lured to all sorts of hardships and knew the country like a book. They left in the face of an icy gale, and after hours of strenuous effort finally found the missing mail. He was still upon his horse with the reins in his hands with a locked mail sack lying close by. He was still alive but so far gone that he was unable to speak. He died before the rescue party were able to take him to Tropic. The pack animal with several sacks of mail could not be found.

The dead man was 28 years old and has been a resident of Tropic for a number of years where he was held in high esteem. His parents survive him.

WASHINGTON GETS PLUM.

County Road Superintendent Carries Off Entire Appropriation.

The entire appropriation of \$1,000 which was given by the state legislature to the state road commission was disposed of today to Washington county simply from the fact that the road superintendent of that county was the only one in the state who made a request for help. The money will be expended on a road running up Clara creek from St. George, this highway being out of the 10 crossings of the creek which are now necessary.

The commission met with Governor Spry today, discussed routine matters, made the appropriation, and adjourned.

DEATH OF MRS. SCHMIDT.

Mrs. Myra Gray Schmidt, wife of Edgar C. Schmidt, died this morning at the family residence from Bright's disease. The death was sudden and came to the family and friends without warning. The interment will be made at Great Salt Lake where the dead woman was born 31 years ago.

GAMBLING DIVE RAIDED.

Police Gather in a Crooked Outfit and Arrest Three Men.

A gambling joint above a saloon on Fifth West and Second South street was raided at 2:35 o'clock this morning by Patrolmen Griffiths and Armstrong. W. H. Enser, a bartender, and Gus Myers, a gambler, were placed under arrest. Enser is charged with keeping a gambling house and the other two with gambling.

The police stated this morning that the man running a "skin" gambling game and would be prosecuted. The patrolmen and plain clothes men, say the head of the state police, were instructed to keep a sharp lookout for gambling games and to arrest all who they find participating in them. The men arrested this morning furnished bail and will be given a trial some time this week in Judge Bowman's court.

DEBATERS LEAVE TODAY.

The debaters of the University of Utah leave this afternoon for the northwest, where they are to meet the University of Oregon in the annual forensic contest. The question is "Resolved, That corporations doing an interstate business should be incorporated under federal law. It is mutually conceded that the question of constitutionality shall not enter into the discussion. It is expected that a large gathering of students will be at the depot to give them the moral support of a rousing goodbye.

WHITE SLAVE BILL PASSED BY HOUSE

Washington, Jan. 12.—By a viva voce vote today the house passed the Bennett-Sabath "white slave" bill. Whether the "white slave" traffic will be stopped by the states can be reached through federal law was a question which was expected to provoke further discussion in the house when that body convened today. A strenuous fight against the enactment of such a law was made by several Democratic members on the ground that it is an attempt to export to the states the federal government over things properly belonging to the states.

ROBERTA AND FREDDY HAVE NICE LITTLE TALK

Chicago, Jan. 12.—"I suppose they will give me about five years for this," said Frederick Cohen, the waiter, today, to Miss Roberta De Janon, the heiress whom he is accused of abducting. "But don't care. I have made you happy for a short time, anyway, and that is enough for me."

Cohen and Miss De Janon met at the Harrison street police station for the first time since their arrest. They had a nice little talk together, to use the girl's expression. Cohen pinched her cheek and told her he had read in the papers that she

TRAGIC FATE OF MAIL CARRIER

Henry Loose Found by Relief Party Still Upon Horse But Dying.

LOSES HIS LIFE IN BLIZZARD.

Perishes While Attempting to Bring The Mail From Tropic to Panguitch Through Snow Storm.

Word has just been received in the city of the tragic death near Tropic, Garfield county, of Henry Loose, a mail carrier, who perished from exposure on Jan. 5 while attempting to bring out the mail from Tropic to Panguitch during one of the worst storms of the season. A relief party succeeded in reaching him while he was still alive, but death ensued before he could be conveyed to a place where medical assistance could be given.

Loose started from Tropic on Jan. 4 with the mail, riding one horse and having the mail on a pack animal. Immediately after his departure the mercury fell rapidly, and this, in connection with the heavy snow, caused much anxiety in regard to his welfare. In the evening a relief party was organized. Two well-equipped and experienced men. They were compelled to return because of the terrible weather conditions. They could make no headway on account of the drifting snow and the cold was intense. They reached Tropic at 3 a. m. utterly exhausted and badly frozen.

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OPERATION CHANGES ON SALT LAKE ROUTE

Discontinuance of Service Between Salt Lake and Lynn—New Local Train Schedules.

One of the changes to be made in the operation of the new timetable, which goes into effect on the Salt Lake Route Jan. 16, will be the discontinuance of service on the main line between this city and Lynn, the trains making the through trip from Salt Lake to Barclay using the line via the Provo and Nephi. The trains which were leaving at 12 p. m. will be replaced by a new train, called No. 61, which will leave Salt Lake at 8 p. m., carrying a mail, baggage, chair car, coach and sleeper, and running to Barclay by way of Provo and Nephi, arriving at Barclay at 1:22 p. m. Returning the train leaves Barclay at 4:46 p. m., arriving at Milford at 10:30 p. m., traveling by way of Nephi and Provo, and reaching this city at 10 o'clock a. m.

Train No. 65 will leave Salt Lake at 4:10 p. m., and will run to Payson only, instead of continuing on to Nephi. Returning the train leaves Payson at 12:30 p. m., arriving at Salt Lake at 12:30 p. m.

No change will be made in trains Nos. 63 and 64 between this city and Nephi, nor in the service between Salt Lake and Tropic, and the Tintic district, three trains daily being maintained to the Tintic country via Utah county points and two trains daily between Salt Lake City and Tropic.

News has been received of resumption of service on the Salt Lake Route between Los Angeles and San Bernardino on the west end, running on its own rails between those points. The road is as operating on the main line between Los Angeles and Goldfield.

Passenger and freight business over the Salt Lake Route to Pioche is being handled by stage, three trains daily being operated between Pioche and Modena and Pioche, a distance of 40 miles. Traffic to and from Caliente is going by rail as far as Acoma, where it is taken up by stage to and from Caliente.

GOOD BERTH FOR HINCKLEY.

Gets Superintendency of Motive Power On Southern Pacific Lines.

A. C. Hinckley, brother-in-law of Don Porter, proprietor of the Knappa, and who 20 years ago was master mechanic of the U. P. from Salt Lake to Rock Springs, with headquarters in Salt Lake, left today for San Francisco, where he has been tendered the superintendency of motive power of one of the Southern Pacific lines. From Salt Lake Mr. Hinckley went some years ago to St. Joseph, where he had charge of the motive power; from there he went to the Rio Grande, acting in a similar capacity; from there to the Santa Fe, where he was superintendent of motive power, as well as head of the car department. Although comparatively a young man today, Mr. Hinckley's wide experience in motive power lines has made him an authority on special duty of railways in mountainous sections, along which line he probably has no superior in the United States. He has a wide circle of acquaintances in Utah who are glad to see him once more cast his lot with the leading railroaders of the great west.

HARRIS HAS NOT RESIGNED.

President of Burlington Emphatically Denies Early Morning Report.

Chicago, Jan. 12.—Concerning a report from Denver that President George B. Harris of the Burlington railroad had presented his resignation, which would soon be accepted by the directors and that he would be succeeded by Darius Miller, now first vice president of the road, both President Harris and Vice President Miller here today made emphatic denials.

TOM TIPTON HERE.

Thomas Tipton of Denver, general purchasing agent of the Denver & Rio Grande system, reached Salt Lake Tuesday and is registered at the Knutsford. He is here looking over the local store department, now in charge of A. J. Sadler, formerly of Denver. It was through Mr. Tipton's office that most of the material that went into the construction of the Western Pacific railroad was purchased. He expects to be in town a few days.

thought more of her dog than of him. She denied it strongly. "You know I don't," said she. "All right, then," said Cohen. The plans for taking the couple back to the hospital were changed (twice) during the day. The delay was caused, it was said, by the necessity of having to redeem some jewelry pawned by Miss De Janon.

SEPARATE STATEHOOD FAVORED BY COMMITTEE

Washington, Jan. 12.—The bill granting separate statehood to Arizona and New Mexico was considered in the house committee on territories today and the proposal of Secy. Knox was reported to the house probably within a day or two. The committee is unanimous for the measure.

NICARAGUAN REGULARS SAID TO HAVE BEEN DEFEATED

San Juan del Sur, Nicaragua, Jan. 12.—Rumors reach here today of a battle at Acayapa, in which the government forces were defeated by the insurgents. No details of the fighting are obtainable.

GERMANY APPROVES KNOX'S PLAN AS ENGLAND DID

Berlin, Jan. 12.—The German government has expressed its agreement with the proposal of Secy. Knox for neutralization of the Manchurian railways, in the same sense that Great Britain has approved.

Germany understands that Great Britain has expressed its fundamental agreement with the proposition which fully recognizes the principles of the "open door and equal rights for all." These have always been the foundations of German policy in eastern Asia.

It is believed in government circles, however, that the matter will occupy the attention of the various governments for a long time, before a final settlement of the question is reached.

HEAVY RAINS IN KANSAS.

Topeka, Kan., Jan. 12.—Kansas is being deluged by a rain which commenced last night and continued today. An inch and a half rainfall was recorded today. The rain has melted leaving an icy covering on the streets. The small streams are rising rapidly on account of the frozen condition of the ground.

WOULD NOT LEAVE CARS.

When the patrolman arrived at the depot the woman was still on the train and would not leave for some time. The patrolman persuaded her to go to the waiting room but the woman suddenly seized her child and suit case and hurried down the snow covered street, declaring she would walk to Chicago. Gillespie was compelled to take her by force to the waiting room until arrangements could be made to get her to police headquarters.

Dr. G. F. Steele was summoned and at once prescribed food and rest for the woman, and she was given into the care of Mrs. Gifford. The police department is now trying to locate the woman's husband but she says that he has gone to a place where he cannot be reached by telegraph. She says she has property in Cincinnati and that for some time she had planned to visit her relatives in the east. Two weeks ago she sent her 4-year old son to her parents in Pittsburgh, and she expected to join him there some time next week.

The woman was unable to explain what brought about her peculiar condition. She told many different stories about her husband but insisted that he had no trouble. She claimed to be well supplied with money and she had a first class ticket to Chicago. The railroad officials telephoned the department that they would not take the case until payment had been made, and the condition improved and she will probably be cared for by the matron until she is in a condition to travel.

Dr. Steele says he does not know what the woman's trouble is, but he believes that she will become mentally unbalanced but believes that with a few hours rest she will become normal again.